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TAGS: [PREL](#) [PTER](#) [UNSC](#) [SY](#) [LE](#)
SUBJECT: LEBANON: BRAMMERTZ DEPARTS UNIIIC WITHOUT THE
GOODS ON SYRIA

Classified By: Ambassador Zalmay M. Khalilzad, per 1.4 (b) and (d).

11. (C) Summary. During a bilateral meeting with Amb Khalilzad on December 3, departing head of the UN International Independent Investigation Commission (UNIIIC) Serge Brammertz revealed that while he hoped to identify the "physical perpetrators" of the Hariri assassination "within a few months," it would be "much more difficult" to jump from that point to determining those responsible for ordering the assassination. He admitted that he is "not capable of preparing indictments" today but professed more optimism about the state of the investigation now than six months ago. Turning to the International Criminal Tribunal for Yugoslavia (ICTY), where he will become Prosecutor on January 1, 2008, Brammertz said he recognized the need for speed and efficiency in connection with the completion strategy for the Tribunal, but argued that agreement is needed on a "mechanism" to try fugitives from the court if they are apprehended after the ICTY closes its doors. End Summary.

UNIIIC May Get Perpetrators,
But Organizers Are Still Far Off

12. (C) Asked by Amb Khalilzad whether UNIIIC can build a case against the "persons of interest" it recently identified, Brammertz replied that although he is now "more optimistic" than he was six months ago about where the investigation might lead, he is "not capable of preparing indictments" today. He said UNIIIC's telecom analysis had produced "very promising leads," which he hoped would allow the Commission to identify those "physically responsible" for Hariri's murder, but cautioned that it would be "much more difficult" to get from that point to the people who ordered the assassination. Predicting that UNIIIC will never find an "order to kill Hariri," Brammertz argued that testimony from insider witnesses would be necessary to connect the dots in the chain of command. In that regard, Brammertz said he hoped once a witness protection program is in place, insiders might come forward with important information the UNIIIC still lacks. That said, he noted the importance of recognizing "who had a political motive" to assassinate Hariri. Recalling his recent request to Embassy Beirut for U.S. experts to expedite UNIIIC's telecom analysis, Brammertz expressed hope that with additional capacity, the Commission would be able to identify the physical perpetrators "within a few months."

13. (C) Brammertz defended his decision not to identify the "persons of interest" now lest they disappear or trace the Commission's work back to the witnesses who helped identify them. Based on UNIIIC's telecom analysis, he assessed that the network that helped to assassinate Hariri is still capable of carrying out other attacks in Lebanon. He estimated that this network comprises between 30 to 40

people. Recalling the September 2007 assassination of MP Antoine Ghanem, Brammertz noted that it took only 20 minutes after Ghanem visited a friend's home for his attackers to send a car bomb to kill the parliamentarian. Given that it can take up to several hours to drive a car from one of the Palestinian camps to parts of downtown Beirut, Brammertz concluded that Ghanem's assassins had surveillance in place on Ghanem and had prepared multiple car bombs in different parts of the city to ensure they could murder Ghanem wherever he traveled that day. Noting that the UNIIIC has been able to identify some of the members of the network based on SIM card usage on the day of Hariri's assassination, Brammertz said the Commission is now trying to determine the others with whom else those persons were in contact.

ICTY: Recognize Need for Efficiency and Speed

14. (C) After congratulating Brammertz on his appointment as Prosecutor of the International Tribunal for the Former Yugoslavia (ICTY) effective January 1, 2008, Amb Khalilzad urged him to ensure the efficiency of the Prosecutor's office, consistent with the completion strategy for the ICTY.

Amb Khalilzad also stressed the need to ensure that Bosnian Serb fugitives Ratko Mladic and Radovan Kadadzic are arrested. Brammertz expressed a preference that Bosnian Serb fugitives Mladic and Karadzic be captured before the ICTY is closed down, saying that the perceived success or failure of the ICTY depends on whether the two fugitives are arrested. Even so, he acknowledged that ICTY would have to complete its work whether or not the fugitives are apprehended. He argued that agreement is needed on a "mechanism" to bring the fugitives to justice if the ICTY does not exist if/when they are arrested. Brammertz bemoaned the decision by ICTY judges to reduce the scope of ICTY indictments to speed up the

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judicial process, saying that as a prosecutor he did not think that approach represented the best solution and stressing the need to maintain the quality of the ICTY's processes.

15. (C) Turning to ICTY Deputy Prosecutor (Amcit) David Tolbert, Brammertz asked that the U.S. convey his deep respect and support for Tolbert's work. Acknowledging that Tolbert was disappointed that he was passed over for promotion to Prosecutor, Brammertz said he would nevertheless meet with Tolbert later on December 3 to try to convince him to remain at the ICTY. (Note: On December 4, Tolbert told USUN Legal Adviser that he had met with Brammertz on December 3 and told Brammertz he would not stay. Tolbert plans to leave the ICTY before February 2008, and there is a possibility that Tolbert will be offered a position that might be established in connection with the Cambodia Tribunal. End Note.) Brammertz also noted he would meet S/WCI Williamson in The Hague during the week of December 10 (even before he meets with his successor, Carla del Ponte) and could discuss issues relating to the ICTY in more detail at that time.

Khalilzad